

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner,

v.

UNIVERSAL SECURE REGISTRY LLC
Patent Owner

Case IPR2018-00810
U.S. Patent No. 9,100,826

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64**

Pursuant to 37 C.F.R. § 42.64(b)(1), Universal Secure Registry LLC ("Patent Owner") submits the following objections to evidence that Petitioner Apple Inc. ("Petitioner") served with its Petitioner's Reply to Patent Owner's Response (Paper 24) and Petitioner's Opposition to Patent Owner's Conditional Motion to Amend (Paper 25). These objections are timely filed and served within five business days of service of the evidence.

Evidence	Objections
Exhibit 1018	<p>Patent Owner objects to this exhibit because it improperly introduces new theories, arguments, and evidence for the first time on Reply. <i>See, e.g., e.g., ¶¶ 21</i> (contending for first time that "biometric key" was a term of art, and discussing new exhibits 1025-1029), 42-46 (contending for first time that Maritzen discloses limitation 21[h], and that Maritzen with Jakobsson discloses limitation 30[e]), 47-51 (making arguments for first time regarding contention that Maritzen's PTD is a handheld device), 54-55 (contending for first time that Maritzen in view of Niwa discloses the additional limitation of claim 15). Admissibility of such declaration would permit Petitioner to violate the requirement that it must include all its theories, arguments, and evidence with its Petition.</p> <p>Patent Owner objects to this exhibit because it includes information that is not discussed sufficiently in Petitioner's Reply to Patent Owner's Response. Admissibility of such declaration would permit the use of declarations to circumvent page limits for a Reply.</p> <p>FRE 602, 702, 703: Patent Owner objects to this exhibit to the extent it is irrelevant, the testimony is based on a lack of personal knowledge or speculation, includes insufficient</p>

	<p>facts or data, is not based on a reliable foundation, and constitutes conclusory opinions without sufficient support.</p> <p>FRE 401, 402, and 403: Patent Owner objects to this exhibit because it does not rebut the arguments in Patent Owner's Response, it is irrelevant, and its probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, wasting time, and needlessly presenting cumulative evidence.</p>
Exhibit 1019	<p>FRE 602, 702, 703: Patent Owner objects to this exhibit to the extent it is irrelevant, the testimony is based on a lack of personal knowledge or speculation, includes insufficient facts or data, is not based on a reliable foundation, and constitutes conclusory opinions without sufficient support.</p> <p>FRE 401, 402, and 403: Patent Owner objects to this exhibit because it does not rebut the arguments in Patent Owner's Conditional Motion to Amend, it is irrelevant, and its probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, wasting time, and needlessly presenting cumulative evidence.</p>
Exhibit 1022	<p>Patent Owner objects to this exhibit because it includes information that is not discussed sufficiently in Petitioner's Opposition to Patent Owner's Conditional Motion to Amend. Admissibility of such declaration would permit the use of declarations to circumvent page limits for an Opposition to a Motion to Amend.</p> <p>FRE 602, 702, 703: Patent Owner objects to this exhibit to the extent it is irrelevant, the testimony is based on a lack of personal knowledge or speculation, includes insufficient facts or data, is not based on a reliable foundation, and constitutes conclusory opinions without sufficient support.</p> <p>FRE 401, 402, and 403: Patent Owner objects to this exhibit because it does not rebut the arguments in Patent Owner's Conditional Motion to Amend, it is irrelevant, and</p>

	<p>its probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, wasting time, and needlessly presenting cumulative evidence.</p>
Exhibits 1021, 1024 - 1031	<p>Patent Owner objects to exhibits 1025-1029 and 1031 because they improperly introduce new evidence for the first time on Reply. For example, exhibits 1025-1029 are used for the new argument that "biometric key" was a known term of art. Admissibility of these exhibits would permit Petitioner to violate the requirement that it must include all its theories, arguments, and evidence with its Petition.</p> <p>Patent Owner further objects to exhibits 1021, 1024, 1026-1029 and 1031 to the extent that Petitioner attempts to rely on these exhibits as prior art or to show the alleged state of the art or understanding of a POSITA. Petitioner has not demonstrated that these exhibits are "printed publications" within the meaning of 35 U.S.C. §§ 102 and 311(b). Moreover, exhibit 1031 is dated 2019, long after the relevant time of invention, while other exhibits are dated well before the relevant time of invention.</p> <p>FRE 401, 402, and 403: Patent Owner objects to exhibits 1021 and 1024-1031 because they are not relied on as references, they do not rebut the arguments in Patent Owner's Response or Conditional Motion to Amend, and/or Petitioner does not allege that the challenged or substitute claims are anticipated or obvious based on these exhibits. Exhibits 1024-1029 are not cited in Petitioner's Reply to Patent Owner's Response or Opposition to Patent Owner's Conditional Motion to Amend. Moreover, exhibit 1031 is dated 2019, long after the relevant time of invention, while other exhibits are dated well before the relevant time of invention. Exhibits 1021 and 1024-1031 are irrelevant, and their probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, wasting time, and needlessly presenting cumulative evidence.</p>

	<p>FRE 901: Patent owner also objects to exhibits 1021, 1024, 1026-1029 and 1031 as unauthenticated documents that are not self-authenticating under FRE 902. Thus, these exhibits lack authentication.</p>
--	--

Date: April 16, 2019

Respectfully Submitted,

/s/ James Glass

Registration No. 46,729

Quinn Emanuel Urquhart &

Sullivan LLP

51 Madison Avenue, 22nd Floor

New York, NY 10010

Tel. (212) 849-7000

Fax. (212) 849 7100

Counsel for Patent Owner Universal Secure
Registry LLC

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.